

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DONNA J. GARRETT, <i>et al</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:09-cv-01252-ERW
)	
J. DOUGLAS CASSITY, <i>et al.</i> ,)	
)	
Defendants.)	

MOTION FOR LEAVE TO WITHDRAW AS COUNSEL

COME NOW Peter S. Gilster and the Law Firm of Greensfelder, Hemker & Gale, P.C. (collectively hereafter “GHG”), and hereby move for leave to withdraw as appointed counsel of record for Defendant Erin Province Engle [Erin Province a/k/a Erin Engle] (“Defendant Engle” herein) In support of this Motion, GHG respectfully states as follows:

1. The above-captioned matter is brought against Defendant Engle and numerous other named individuals and corporate and professional entities.
2. GHG were appointed by order of the Court on Friday, November 13, 2009, to defend Defendant as an indigent party.
3. GHG upon notice of appointment to represent Defendant Engle exercised its normal due diligence in conducting a customary and routine conflicts inquiry.
4. On November 17, 2009, Peter S. Gilster, an officer of Greensfelder, Hemker & Gale, P.C., discovered existing professional and business relationships with another of the defendants in connection with the present litigation, and also existing professional and business relationships with another of the defendants in matters other than the present litigation. These relationships have existed since before the appointment of representation by GHG of Defendant Engle on November 13, 2009, and these representations do continue to exist, such that GHG by

reason of conflicts of interest cannot fully represent Defendant Engle under the Rules of Ethics of the Missouri Supreme Court.

5. Peter S. Gilster and Greensfelder, Hemker & Gale, P.C. further state that professional considerations require termination of the representation by them of Defendant Engle pursuant to E.D.Mo. L.R. 83 - 12.01(H) in that such representation would create a conflict of interest as defined in Missouri Supreme Court Rule 4-1.16(c) and the American Bar Association Model Code of Professional Responsibility .

6. GHG's last known address for Defendant Engle is:

Erin Province Engle
120 Asilomar Court
Ballwin MO 63021

WHEREFORE, Peter S. Gilster and the Law Firm of Greensfelder, Hemker & Gale, P.C. respectfully request that the Court enter an Order granting them leave to withdraw from their representation of Defendant Erin Province Engle.

Respectfully submitted,

GREENSFELDER, HEMKER & GALE, P.C.

By /s/ Peter S. Gilster
Peter S. Gilster, #3215
10 S. Broadway, 20th Floor
St. Louis, MO 63102
(314) 241-9090
FAX: (314) 345-4704
E-Mail: psg@greensfelder.com

Attorneys for Defendant Erin Province Engle

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2009, the foregoing Motion for Leave to Withdrawal as Counsel was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

Daniel M. Reilly
Email: dreilly@rplaw.com
Larry S. Pozner
Email: lpozner@rplaw.com
Wendy B. Fisher
Email: wfisher@rplaw.com
Glenn E. Roper
Email: geroper@rplaw.com
Clare S. Pennington
Email: cpennington@rplaw.com
Reilly Pozner LLP
511 16th Street, Suite 700
Denver, CO 80202
Attorneys for the Plaintiffs

E. Calvin Matthews, IV, #526775
Email: ecm@gpslegal.com
Jim J. Shoemake #4357
Email: jjs@gpslegal.com
Deborah J. Westling #3549
Email: djw@gpslegal.com
Eric M. Walter #107730
Email: emw@gpslegal.com
Guilfoil Petzall & Shoemake, L.L.C.
100 South Fourth Street, Suite 500
St. Louis, MO 63102-1821
Attorneys for Defendant Randall K. Sutton

Seema Chawla
Email: seema.chawla@bryancave.com
BRYAN CAVE LLP
3500 One Kansas City Place
1200 Main Street
Kansas City, MO 64105
Attorney for Defendant Bank of America, N.A.

Steven H. Schwartz, #4316
Email: sschwartz@bjpc.com
Brown and James, P.C.
1010 Market Street, 20th floor
St. Louis, Missouri 63101
Attorneys for Defendants Howard A. Wittner, individually and as Trustee of the RBT Trust II and Wittner, Spewak & Maylack, P.C.

Noel A. Sevastianos, #49346
Email: Noel@NoelsLaw.com
Sevastianos & Associates, PC
120 South Central Avenue, Suite 130
St. Louis, Missouri 63105-1705
Attorneys for Defendants Forever Enterprises, Inc., Forever Network, Inc., Forever Illinois, Inc., Texas Forever, Inc., Lincoln Memorial Services, Inc., National Heritage Enterprises, Inc., National Prearranged Services Agency, Inc., Legacy International Imports, Inc., and Brentwood Heritage Properties, L.L.C.

James M. Weiss
Email: james.weiss@bryancave.com
Bryan Cave, LLP
211 N. Broadway, Suite 3600
St. Louis, MO 63102-2750
Attorney for Defendant Bank of America, N.A.

Mike W. Bartolacci, #29110
Email: mbartolacci@thompsoncoburn.com
Christopher M. Hohn, #62067
Email: chohn@thompsoncoburn.com
Thompson Coburn, LLP
One US Bank Plaza, Suite 26
St. Louis, MO 63101
Attorney for Defendant National City Bank

Jonathan F. Andres, #73763
Email: andres@stlouislaw.com
Green Jacobson, P.C.
7733 Forsyth Boulevard, Suite 700
Clayton, Missouri 63105
*Attorneys for Defendants Wulf and Wulf,
Bates & Murphy, Inc. and David Wulf*

Joseph L. Green
Email: jgreen@leritzlaw.com
Leritz, Plunkert & Bruning, P.C.
555 Washington Avenue, Suite 600
St. Louis, MO 63101
Attorney for Defendant Nekol Province

Joseph P. Whyte
Email: jwhyte@whytelawfirm.com
The Whyte Law Firm
P.O. Box 440236
2025 South Brentwood Blvd.
Suite 102
St. Louis, MO 63144-0236
*Attorneys for Defendant Comerica Bank &
Trust, N.A*

Cicely I. Lubben, #118683
Email: clubben@stinson.com
Sandra J. Wunderlich, #33182
Email: swunderlich@stinson.com
Stinson Morrison Hecker, LLP 168 N.
Meramec Ave., Suite 400
St. Louis, MO 63105
Attorneys for Defendant U.S. Bank, N.A.

Thomas Cummings #2910
Email: tcummings@armstrongteasdale.com
Jonathan D. Valentino #538607
Email: jvalentino@armstrongteasdale.com
Armstrong Teasdale LLP
One Metropolitan Square, Suite 2600
St. Louis, MO 63102-2740
*Attorneys for Defendant Bremen Bank and
Trust Company*

J. Christian Goeke, #71795
Email: jcgoeke@gabrielmail.com
Law Offices of J. Christian Goeke
7711 Bonhomme Avenue, Suite 850
Clayton, MO 63105
Attorney for Defendant Kelly Tate

Jeffrey T. Demerath #2963
Email: jdemerath@armstrongteasdale.com
Christopher R. LaRose #5220476
Email: clarose@armstrongteasdale.com
Armstrong Teasdale LLP
One Metropolitan Square, Suite 2600
St. Louis, MO 63102-2740
*Attorneys for Defendants Southwest Bank
and Marshall & Ilsley Trust Company,
N.A.*

Sanford Goffstein #3227
Email: sgoffstein@grlawstl.com
Don R. Sherman #21491
Email: dsherman@grlawstl.com
Lori R. Koch #3584
Email: lkoch@grlawstl.com
Goffstein, Raskas, Pomerantz, Kraus & Sherman, LLC
7701 Clayton Road
St. Louis, Missouri 63117
Attorneys for Defendant Brown Smith Wallace, L.L.C.

Deirdre C. Gallagher, #36043
Email: dgallagher@spencerfane.com
Spencer Fane Britt & Browne LLP
One North Brentwood Blvd., Suite 1000
St. Louis, MO 63105
Attorneys for Defendant J. Tyler Cassidy and Hollywood Forever, Inc.

Adam Goffstein #72930
Email: adam@goffsteinlaw.com
Adam M. Goffstein, LLC
7777 Bonhomme Avenue, Suite 1910
St. Louis, MO 63105
Attorney for Defendant Katherine Scannell

Bogdan Rentea
Email: brentea@rentealaw.com
Rentea & Associates
1002 Rio Grande
Austin, Texas 78701
Attorney for Defendants Tony B. Lumpkin, III and Lennie J. Cappleman

Darren Scott Enenstein
Email: dse@eandslaw.com
Donald L. Saltzman
Email: dls@eandslaw.com
ENENSTEIN & SALZTMAN
233 Wilshire Blvd.
Suite 900
Santa Monica, CA 90401
Attorneys for Tyler J. Cassidy and Hollywood Forever, Inc.

Steven M. Cohen, #2848
Email: scohen@bcbslaw.com
Michael J. Sewell, #513954
Berger, Cohen & Brandt, L.C.
8000 Maryland Ave., Suite 1550
Clayton, Missouri 63105
Attorney for Defendant Roxanne J. Schnieders (Sargent)

David H. Luce
Email: dhl@carmodymacdonald.com
Carmody MacDonald P.C.
120 S. Central Ave., Suite 1800
St. Louis, MO 63105
Attorneys for Defendant Michael R. Butler

James W. George
Email: jwgeorge@texas.net
Law Offices of James W. George
901 South Mopac Expressway
Barton Oaks Plaza One, Suite 300
Austin, TX 78746
Attorney for Defendant Larry Keith Hale

Barry A. Short #4358
Email: bshort@lewisrice.com
Evan Z. Reid, #93822
Email: ereid@lewisrice.com
Carine M. Doyle
Email: cdoyle@lewisrice.com
Lewis, Rice & Fingersh, LC
500 North Broadway, Suite 2000
St. Louis, MO 63102
Attorneys for Defendant Brent Cassity

Jay L. Kanzler Jr., #3516
Email: jaykanzler@wklc.com
Witzel Kanzler Kenney Dimmitt & Kanzler
LLC
2001 S. Big Bend Boulevard
St. Louis, MO 63117
*Attorneys for Defendant American Stock
Transfer and Trust Company*

David B. Cosgrove
dcosgrove@cosgrovelawllc.com
Kurt J. Schafers
kschafers@cosgrovelawllc.com
COSGROVE LAW, LLC
1401 S. Brentwood Boulevard
Suite 560
St. Louis, MO 63144
Attorneys for Anne Chrun

James M. Golden
Email: jgolden@dykema.com
Richard E. Gottlieb
Email: rgottlieb@dykema.com
Renee L. Zipprich
Email: rzipprich@dykema.com
10 South Wacker Drive, Suite 2300
Chicago, IL 60606
*Attorneys for Defendant Comerica Bank &
Trust, N.A.*

Danielle E. deBenedictis
Email: ddeb95@aol.com
deBenedictis, Miller & Blum, P.A.
95 Commercial Wharf
Boston, MA 02110
*Attorney for Rhonda L. Cassity, Inc., a/k/a
Wellstream, Inc., Rhonda L. Cassity, Inc.,
and Rhonda L. Cassity*

Burton H. Shostak #4359
Email: bshostak@shostaklawfirm.com
Shostak & Shostak, LLC
The Berkley Building
8015 Forsyth Boulevard
St. Louis, MO 63105
Attorney for Defendant Randall K. Sutton

I hereby certify that on November 18, 2009, the foregoing was mailed by United States
Postal Service to the following non-participants in Electronic Case Filing:

James. M. Crawford
418 Pine Bend Drive
Chesterfield, MO 63005
Pro se

J. Douglas Cassity
P.O. Box 16220
St. Louis, MO 63105
Pro Se

Randall J. Singer
10833 Forest Circle Dr.
Sappington, MO 63128
Pro se

Marianne Jones
2309 W. New Hope Drive
Cedar Park, TX 78613
Pro se

Wise, Mitchell & Associates, Ltd.
1250 Capital of Texas Hwy South
Building 3, Suite 150
Austin, TX 78746

George Wise III
3001 Huron Club Court
Austin, TX 78738

/s/ Peter S. Gilster